

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

VERIZON EMPLOYEE BENEFITS)
COMMITTEE,)
Plaintiff,) No. 2:14-CV-04059-NKL
v.)
GARY NICHOLS and PERSHING LLC,)
Defendants.)

ORDER

Pursuant to Rule 65(b) and (d) of the Federal Rules of Civil Procedure, upon consideration of Plaintiff's Complaint [Doc. 1], Plaintiff's Motion for Temporary Restraining Order and Preliminary Injunction [Doc. 4], Brief in Support of Motion for Temporary Restraining Order and Preliminary Injunction [Doc. 5], and the March 6, 2014 Declaration of Marc Schoenecker [Doc. 6], and in light of the Stipulation of the parties [Doc. 28], it is hereby ORDERED (a) that Plaintiff's Motion for Temporary Restraining Order is deemed withdrawn; and (b) that Plaintiff's Motion for Preliminary Injunction is GRANTED as follows:

Until further order of the Court, Defendants Gary Nichols and Pershing LLC are hereby enjoined from dissipating, transferring, pledging, spending, disposing of, or encumbering any portion of the balance of Pershing IRA Account No. XXXXX8349 ("Pershing IRA"), which was originally funded with a February 1, 2014 \$310,102.74 rollover distribution from the GTE Midwest Incorporated Plan for Hourly-Paid Employees' Pensions (hereinafter, the 'Pension Plan'), which is a component of the Verizon Pension Plan for Mid-Atlantic and South Associates, but it is acknowledged that the balance has fluctuated, and notwithstanding this Order the balance will permissibly fluctuate, based on investment gains and losses and any

applicable fees charged in the ordinary course related to the Pershing IRA. This Preliminary Injunction shall apply to Defendants Gary Nichols and Pershing LLC and their officers, agents, servants, employees, attorneys, and other persons in active concert or participation with Defendants Gary Nichols and Pershing LLC.

This Preliminary Injunction is entered solely for the purpose of preserving the balance of the Pershing IRA until the Court vacates this Order or the Action is resolved. This Order, the associated pleadings and evidence, the fact of the Preliminary Injunction, and the Defendants' conduct in stipulating to the Preliminary Injunction shall not be admissible in evidence or otherwise considered by the Court in determining Defendants' liability or the remedies to which Plaintiff is entitled. Otherwise, the Court enters this Order without prejudice to, or any effect on, Defendants' rights ultimately to contest liability or the remedies sought by Plaintiff.

In accordance with the foregoing, the Plaintiff's Motion for Temporary Restraining Order is deemed withdrawn and the Motion for Preliminary Injunction [Doc. 4] is GRANTED.

s/ Nanette K. Laughrey
NANETTE K. LAUGHREY
United States District Judge

Dated: April 14, 2014
Jefferson City, Missouri